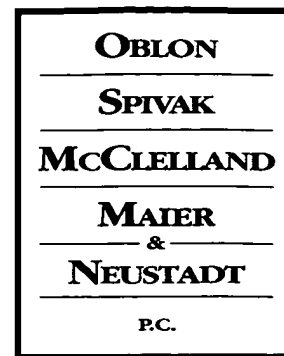




2881



Docket No.: 217206US3PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 09/926,811

Applicants: Yoshihiko FUNAKOSHI, et al.

Filing Date: July 1, 2002

For: RADIOACTIVE SUBSTANCE CONTAINER,
MANUFACTURING APPARATUS THEREOF AND
MANUFACTURING METHOD THEREOF

Group Art Unit: 2881

Examiner: VANORE, DAVID A.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 217206US3PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
YOSHIHIKO FUNAKOSHI, ET AL. : EXAMINER: VANORE, DAVID A.
SERIAL NO: 09/926,811 :
FILED: JULY 1, 2002 : GROUP ART UNIT: 2881
FOR: RADIOACTIVE SUBSTANCE :
CONTAINER, MANUFACTURING
APPARATUS THEREOF AND
MANUFACTURING METHOD THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated November 4, 2004, Applicants provisionally elect with traverse Group I, Claims 59-87 and 96-251 directed to a container and method of manufacture the container. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

In addition to making this election, Applicants further respectfully traverse this Restriction Requirement for the reason that the claims in Groups I and II can be examined together with no undue burden. No undue burden is seen here since similar subject matter must be searched and considered relative to the elected Claims 59-87 and 96-251. Thus, under MPEP §803, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Therefore, since the restricted claims would

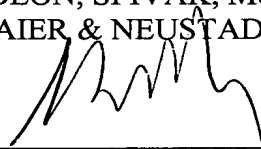
appear to be part of an overlapping search area, it is respectfully submitted that the burden of the Examiner would be minimum and the burden on the Applicants would be significant if Applicants were required to file and prosecute a separate divisional application.

Finally, Applicants note that the outstanding Office Action states that "[b]ecause these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper." Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 59-251 be conducted.

Respectfully submitted,

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